

Jun 3 (4 days ago)

to

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From: **Jenny S. Martinez**
Date: Thu, Jun 3, 2021, 2:01 PM
Subject: [lawschool-2021] Following up on yesterday
To: Jenny Martinez

Dear Stanford Law Community:

I wanted to send a follow-up to my email last night to provide you with a little more information and context about the Fundamental Standard complaint against one of our students and resulting coverage in the national media.

But first and foremost, I want to acknowledge how upsetting the last 48 hours have been for you, our students, for our entire community and, especially, for the student at the center of this problematic process. I am very sorry for this distress, especially during finals and after a challenging school year due to a once-in-a-lifetime pandemic.

In accordance with university procedures, this complaint was received and processed by the university's Office of Community Standards, not the law school. I personally first learned about this complaint with OCS on Tuesday, June 1, and the university resolved the matter on Wednesday, June 2, concluding that this was constitutionally protected speech and ending the complaint process.

Unfortunately, some of the media coverage yesterday and today mistakenly attributes the University process to Stanford Law School. No one in the SLS administration had any role in placing the graduation hold, and we were shocked when we learned about it. I would never have approved such a thing.

Stanford Law School is strongly committed to free speech, is concerned about actions and climate that have the potential to chill speech, and has shared these concerns with the University. When I became aware of this particular situation, I strongly urged the University to consider whether it needs procedures that more quickly resolve whether constitutionally protected speech is involved in a Fundamental Standard complaint, and also the policies and procedures that led to their placing a graduation hold on this student on the eve of final exams. As the University's statement notes:

"We have seen an increase in the number and complexity of student cases involving free speech, student judicial policies and the California Leonard Law. We will continue to review policies and practices relating to these to ensure ongoing compliance. We are also reviewing procedures for placing holds on student accounts in judicial cases in close proximity to graduation to ensure that holds are limited to cases for which the outcome could be serious enough to affect the timing of degree conferral."

I think it is imperative that we take action to ensure that something like this does not happen again and will be working with faculty colleagues at the law school and around the university to do that.

I also want to say how upsetting this is to me personally. A commitment to First Amendment rights is part of why I became a lawyer. My first experience with the law was as a high school student when my high school censored the school yearbook and as a mock trial student, I started a protest in support of the speech rights of the yearbook (and had my pamphlets on the First Amendment confiscated by the vice principal). In college, as a student journalist, I worked for a summer at the Student Press Law Center defending the free speech rights of students. And through my service on the board of an NGO, I spent substantial time over the past decade working on freedom of expression issues globally. It is crystal clear to me that, as the university concluded yesterday, the satirical flyer is constitutionally protected speech.

I have received many requests this year to condemn, punish, or otherwise suppress speech, from all sides of the political spectrum. I want to reiterate that I will not be entertaining any such requests. Experience shows us the costs of policing speech are too high, and that vigorous and open debate of ideas is essential to a free society. While I urge thoughtfulness as people choose how to exercise their First Amendment rights in a community dedicated to learning, ultimately individuals must be guaranteed a broad range of freedoms to decide what their conscience and values dictate. I will continue to work to ensure that this is the case at Stanford Law School.

Sincerely,
Jenny Martinez

Jenny S. Martinez
Richard E. Lang Professor of Law and
Dean of Stanford Law School

559 Nathan Abbott Way
Stanford, CA 94305
U.S.A.

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lawschool-2021 mailing list

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